

IN THE
SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1922.

HARTFORD LIFE INSURANCE COMPANY,	} No. 271.	
vs.		
ROBERT H. LANGDALE,		
	Petitioner,	
	Respondent.	

On Writ of Certiorari to the Supreme Court of Ohio.

BRIEF FOR PETITIONER.

This case is similar to that of Hartford Life Insurance Company v. Frank F. Douds et al., No. 265, of the October Term, 1922. Both cases having been docketed for hearing in this court at the same time, and the parties having filed a stipulation for the consolidation of the cases, we will confine ourselves here merely to a statement of the case, and refer the Court to the brief filed by petitioner in the companion case for a discussion and consideration of the questions and issues here involved.

STATEMENT OF CASE.

Petitioner is a corporation, organized under the laws of the State of Connecticut, having its home office in the City of Hartford of that state, where, in its Safety Fund Department it is now, and has for many years past, been operating a life insurance business on the assessment or mutual plan.

On November 13, 1916, Robert H. Langdale, a citizen and resident of Ohio, and the holder of a certificate of membership for \$3,000 issued in 1882, in the Safety Fund Department of your petitioner, filed suit against your petitioner in the Court of Common Pleas, Franklin County, State of Ohio (Rec., p. 5), in which it was averred that petitioner had levied assessments against him under his certificate which were excessive in amount and in excess of the rate of assessment specified in the table of rates incorporated in his certificate; that the amount of the excess of such assessments was to him unknown, but that the same amounted to about the sum of \$850. Upon these averments Langdale prayed for the following relief: (1) An accounting to determine the amount of the excess of the assessments paid; (2) A money judgment for the amount of the excess of such assessments with interest, found to have been paid by him upon such accounting, and (3) An injunction to re-

strain petitioner from thereafter levying assessments against him under such certificates in excess of what the Ohio Court found to be the lawful and proper rate of assessment.

Petitioner, appearing specially and for that purpose only, demurred to this petition, averring that the Ohio Court had no jurisdiction of the subject matter of the suit. This demurrer was overruled and petitioner, being ordered so to do (Rec., p. 3), filed its answer, in which it reasserted that the courts of Ohio had no jurisdiction of the subject matter of this suit or power to grant the relief prayed for, and further averred that if the courts of Ohio undertook to exercise jurisdiction of this suit and to grant the relief therein prayed your petitioner would be deprived of its property without due process of law, contrary to and in violation of the Fourteenth Amendment to the Constitution of the United States (Rec., p. 18).

The trial court, upon the filing of this answer, referred the cause to a referee to take an accounting and make a report to the trial court (Rec., p. 3).

Thereafter, the Referee filed a report in which he found that the assessments levied by petitioner against Langdale under said certificate were excessive; determined what the proper or lawful rate of assessment should have been thereunder; found that the excess of the assessments so paid by Langdale under said certificate amounted to the sum of \$849.77,

and recommended the granting of the relief prayed for in the petition (Rec., p. 25).

Judgment was thereafter entered by the trial court in favor of the respondent and against your petitioner for the sum of \$849.77 as the amount of the excess, with interest, of the assessments found by the Referee to have been paid under said certificate. The trial court did not decree the injunctive relief prayed for in the petition (Rec., p. 4).

From this judgment your petitioner appealed to the Court of Appeals for Franklin County, Ohio. The judgment of the trial court was affirmed by that court (Rec. p. 51), whereupon and on motion of petitioner, the record and appeal in the cause was certified to the Supreme Court of the State of Ohio by the order of that court. On the 15th day of November, 1921, the Supreme Court of Ohio affirmed the judgment of the Court of Appeals of Franklin County, Ohio, upon the authority of *Hartford Life Insurance Company v. Alonzo J. Douds* in which an opinion was rendered by the Supreme Court of Ohio on the same day. In due course, and within the time required by law, petitioner applied to this Court for a writ of certiorari to review the judgment of the Supreme Court of Ohio in this cause, which was allowed.

SPECIFICATION OF ERRORS.

Petitioner relies upon the following errors in support of its prayer for the reversal of the judgment of the Supreme Court of Ohio herein:

1. The claim of Robert H. Langdale, as a member of the Safety Fund Department of petitioner, that the assessments previously levied against him under his certificate were illegal and excessive, and his bill herein for an accounting to determine the amount of the excess of these alleged excessive assessments and for a money judgment for the excess of the assessments found to have been paid by him upon such accounting had to do with the *internal affairs* and *management* of petitioner, a Connecticut corporation, over which the courts of Ohio had no jurisdiction, and the exercise of such jurisdiction and the rendition of the judgment complained of herein by the Ohio court deprives petitioner of its property without due process of law, contrary to and in violation of the the Fourteenth Amendment to the Federal Constitution.

2. The Ohio Supreme Court erred in holding that the exercise of jurisdiction in this cause and the rendition of the judgment herein by the Ohio court did not deprive petitioner of its property without due process of law in contravention of the Fourteenth

Amendment to the Constitution of the United States.

3. The subject matter of this suit likewise involved the validity of acts performed by petitioner *as trustee* in the management and operation of its Safety Fund Department in the State of Connecticut, over which the courts of Connecticut had sole and exclusive jurisdiction, and the exercise of jurisdiction and the rendition of the judgment complained of herein by the Ohio court deprived petitioner of its property without due process of law, contrary to and in violation of the Fourteenth Amendment to the Federal Constitution; and the Ohio Supreme Court erred in holding that the exercise of jurisdiction by the courts of that state and the rendition of the judgment complained of herein did not deprive petitioner of its property without due process of law, in contravention of the Fourteenth Amendment to the Constitution of the United States.

Respectfully submitted,

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Counsels for Petitioner.